Mao Declaration in Opposition to Google's Motion for Summary Judgment

Ex. 1 Document Sought to Be Sealed

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

- - - - - - - - - - - - - X

CHASOM BROWN, MARIA NGUYEN,
WILLIAM BYATT, JEREMY DAVIS, and
CHRISTOPHER CASTILLO, individually
and on behalf of all other similarly
situated,

Plaintiffs, Case No.

5:20-cv-03664-LHK

-against-

GOOGLE LLC,

Defendant.

- - - - - - - - - - X

CONFIDENTIAL

Zoom video conference deposition of JESSE ADKINS, taken pursuant to notice, was held remotely, commencing April 14, 2021, 11:00 a.m., before Leslie Fagin, a Stenographic Court Reporter and Notary Public in the State of New York.

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Page 3
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     APPEARANCES:
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     ALSO PRESENT:
         MATTHEW GUBIOTTI, Google Regal
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 6
         KATHY RUCCOLO, Notary Public
         DREW REIDMAN, Videographer
 7
           Magna Legal Services
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Page 283 J. Adkins - Confidential 1 trying to understand who the "you" is in that 2 statement. We looked previously at the terms 3 4 of service and you said the "you" was the 5 Court or its website administrator, correct? MR. BROOME: Objection, objection, 6 7 foundation, outside the scope. 8 I don't believe that was my precise 9 I said "you" was the person answer. 10 implementing the ProSE service on the Court. 11 Thank you. Q. 12 That's helpful for the "you" in the 13 terms of the terms of service, who is the "you" in Google's privacy policy? 14 15 MR. BROOME: Same objections. 16 Could you clarify maybe who is this when somebody is visiting this web page? 17 18 the exhibit in this testimony, but is your 19 scenario, you are asking me who the "you" is 20 when they have visiting the privacy policy as 21 it's hosted on Google's website. 22 Google has a privacy policy, 23 correct? 24 A. Correct. 25 Q. On the very first sentence of that



Page 284 1 J. Adkins - Confidential 2 privacy policy, states, When you use our 3 services, you are trusting us with your 4 information, correct? 5 A. My layman interpretation is the 6 person who is visiting this web page is who 7 the "you" is referencing. 8 Q. So your understanding is the 'you' 9 is referencing the person visiting the 10 privacy policy, correct? 11 That is my layman interpretation, 12 yes. 13 Q. The next part refers to our services. What is your understanding of what 14 15 that is referring to? 16 MR. BROOME: Objection, outside the 17 scope, calls for a legal conclusion. 18 A. Google services. 19 Q. Which Google services, all of them? 20 MR. BROOME: Same objections. 21 Again, I am not an expert in Google 22 privacy policy, legal implications of it or I 23 did not create this document or draft this 24 document, I have no specific knowledge, I'm sorry, I'm just not going to be able to 25



Page 285 1 J. Adkins - Confidential 2 answer those kind of questions. 3 0. In that first sentence, when it 4 refers to your information, what 5 understanding, if any, do you have what that 6 means, when it refers to your information? 7 MR. BROOME: Same objection, calls 8 for a legal conclusion outside the 9 scope, lacks foundation. A. I will refer to my previous answer. 10 11 I did not write this document. I'm not sure 12 what your information is specifically 13 referring to. Do you have an understanding, one 14 15 way or another, whether your information as 16 referred to here on the first sentence of Google's privacy policy includes the private 17 18 browsing information that Google collects 19 when people visit the Court's Website? 20 MR. BROOME: Objection, same 21 objections. 22 I have no opinion on that. A . 23 Q. With respect to the reference in 24 this first sentence to our services, does 25 that include all of the Google services on



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Page 286
1
           J. Adkins - Confidential
2
    the Court's Website?
3
              MR. BROOME: Same objections.
4
         A. I believe I answered that question.
5
         Q. What is the answer to that
6
    question?
7
         A. I'm not a Google lawyer. I did not
8
    write this document, I believe that might be
9
    Google services, but I'm not an expert, I'm
10
    not sure.
11
               MR. RICHARDSON: Let's take a
12
          five-minute break.
13
               THE VIDEOGRAPHER: The time is now
14
          6:44 p.m. and we are off the record.
15
               (Recess.)
16
               THE VIDEOGRAPHER: The time is now
17
          6:58 p.m. We are on the record.
18
          Q. Mr. Adkins, you recall that
19
     previously, we were discussing what
20
     information Google collects when people visit
21
     the Court's Website not logged into a Google
22
     account and in private browsing mode.
23
               Do you recall that?
24
         A. Yes.
          Q. And a number of your answers
25
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| | | Page | 324 |
|-----|---|------|-----|
| 1 | | | |
| 2 | CERTIFICATE | | |
| 3 | | | |
| | I HEREBY CERTIFY that the witness, | | |
| 4 | JESSE ADKINS, was duly sworn by me and that | | |
| | the deposition is a true record of the | | |
| 5 | testimony given by the witness. | | |
| 6 | | | |
| | Leslie Fagin, | | |
| 7 | Registered Professional Reporter | | |
| | Dated: April 14, 2021 | | |
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| 10 | | | |
| | (The foregoing certification of | | |
| 11 | this transcript does not apply to any | | |
| | reproduction of the same by any means, unless | | |
| 12 | under the direct control and/or supervision | | |
| | of the certifying reporter.) | | |
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| Commonwealth of Pennsylvania County of LOESTMORE Page 325 ACKNOWLEDGMENT OF DEPONENT I, Coff Adding do hereby certify that I have read the foregoing pages, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet. JESSE ADKINS DATE JESSE ADKINS DATE JUNE (-8 - 2021) Subscribed and sworn to before me this day of June (2021). My commission expires: 5-17-25 Notary Public Matalie R. Duffy, Notary Public Westmoreland County My commission expires May 17, 2025 Commonwealth of Pennsylvania - Notary Seal Natalie R. Duffy, Notary Public Westmoreland County My commission expires May 17, 2025 Commission number 1312960 Member, Pennsylvania Association of Notaries | - | 15
Case | e 4620e GVII Dad 64-YGR Document 928-4 Filed 04/19/23 Page 10 of 10 Page Line Page Line |
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| Commonwealth of Pennsylvania County of LOESTMORELAW Page 325 ACKNOWLEDGMENT OF DEPONENT I, Total Alkin, do hereby certify that I have read the foregoing pages, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet. JESSE ADKINS DATE JESSE ADKINS DATE Subscribed and sworn to before me this Aday of June 2021. My commission expires: 5-17-25 Notary Public Westmoreland County My commission expires May 17, 2025 Commission number 1312960 Member, Pennsylvania Association of Notaries | - | 10 | |
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| JESSE ADKINS 9 10 Subscribed and sworn 11 to before me this 8 day of June 2, 2021. 12 My commission expires: 5-17-25 13 14 Notary Public Commonwealth of Pennsylvania - Notary Seal Natalie R. Duffy, Notary Public Westmoreland County My commission expires May 17, 2025 Commission number 1312960 Member, Pennsylvania Association of Notaries | | | |
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